

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.W.P.No.6747 of 1996**

**Date of Decision: 20.09.2006**

Sukhdev Singh etc.

...Petitioners.

Versus

State of Punjab and Others

...Respondents.

**CORAM: HON'BLE MR. JUSTICE S.N.AGGARWAL**

Present: Sh.Jagmohan Ghuman, Advocate,  
for Sh.P.M.Anand, Advocate  
for the petitioners.

Sh.T.S.Chauhan, Additional Advocate General,Punjab,  
for respondents No.1,2 and 4.

Sh.Ravinder Rana, Advocate,  
for respondent No.3.

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**S.N.AGGARWAL, J.**

This order will dispose of two writ petitions namely CWP Nos.6747 of 1996 and 7692 of 1996. Facts are taken from CWP No.6747 of 1996.

Sukhdev Singh and other petitioners claimed that the land under reference was owned by the proprietors as it was owned before the consolidation. However, after the consolidation of holdings, the said land was shown to be owned by the Gram Panchayat. The petitioners filed a petition before the Director, Consolidation of Holdings, Punjab, Jalandhar exercising the powers under Section 42 of the East Punjab Holdings (Consolidation & Prevention of Fragmentation) Act, 1948. This petition

was accepted by the said Director vide order dated 05.02.1996. The following operative order was passed:-

“In view of these facts, I accept the petition, amend the scheme and send the case to the Consolidation Officer (Tehsildar), Nabha for distribution of the excess land amongst the right holders and the correction of entries in the record accordingly. It is, however, ordered that members of the Schedules Castes and others in occupation of the land, in question, will not be dispossessed except in due course of law. To be communicated”.

The submission of the learned counsel for the petitioners was that no order was passed by the Consolidation Officer(Tehsildar) in pursuance of the order passed by the Director, Consolidation of Holdings, Punjab. Hence C.W.P. No.6747 of 1996 was filed for implementation of the order dated 05.02.1996 by the concerned officer.

However, by filing Civil Misc.Application No.12144 of 2005, the petitioners have placed on file a copy of the order dated 01.07.1996 (Annexure A-1) passed by the Consolidation Officer-cum-Tehsildar, in compliance with the order dated 05.02.1996 passed by the Director, Consolidation of Holdings, Punjab. The submission of the learned counsel for the petitioners was that since the order dated 05.02.1996 has been complied with and an order dated 01.07.1996 has been passed by the Consolidation Officer-cum-Tehsildar, therefore, this petition may be disposed of as having been rendered infructuous.

The other Civil Writ Petition No.7692 of 1996 was filed by the Gram Panchayat against the order dated 05.02.1996 passed by the Director, Consolidation of Holdings, Punjab. In this writ petition, the order dated 01.07.1996 passed by the Consolidation Officer-cum-Tehsildar has not been

challenged. The learned counsel for the petitioner in CWP No.7692 of 1996 submits that this petition may be dismissed as withdrawn and if need be, the petitioner-Gram Panchayat shall institute proceedings for challenging the order dated 01.07.1996 also along with the order dated 05.02.1996.

In view of the submissions made by the learned counsel for the parties, CWP No.6747 of 1996 is disposed of as having been rendered infructuous while CWP No.7692 of 1996 is dismissed as withdrawn with liberty aforesaid.

September 20, 2006  
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(S.N.AGGARWAL)  
JUDGE

